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prove to them that our principles are superior to Soviet aims and ideologies, we have degraded and compromised our own basic principles.

Mr. Chairman, waste, inefficiency, and downright negligent handling of the foreign aid funds has weakened the economy of this Nation. We are faced with an enormous public debt and a dangerously inflated economy. We must begin to think more of our own domestic security. We must get our own house in order. We simply cannot afford to continue a program such as the one before us when we are promised little or no reward in exchange for another year of parading billions of dollars overseas at the expense of the fiscal soundness of the United States and the American individuals and businessmen who contribute the fruit of their productivity to its support.

I urge my colleagues to join with me in voting against this measure.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. FASCELL. Mr. Chairman, last week when the President signed into law H.R. 7500, the Mutual Security Act of 1959, he issued a statement claiming that three freedoms of information provisions of the bill "are not intended to and cannot alter the recognized constitutional duty and power of the executive with respect to the disclosure of information, documents and other material." This broad claim of "executive privilege" means that the President is insisting on the right to refuse to execute a law of the United States. For the several budget and accounting statutes granting the General Accounting Office access to information and the newly enacted provisions of the Mutual Security Act were signed by the President and constitute "the supreme law of the land."

The Constitution provides that the President "shall take care that the laws be faithfully executed." Thus, the President has the duty to execute the laws, but he is claiming power to defeat them. The President can dissent from a proposed law only by exercising his veto power. One a congressional enactment is signed into law, it is as binding on the President as on the lowest officer of the United States.

Fundamentally, the power asserted by the President under the guise of "executive privilege" is a power to pick and choose among the laws, to decide which laws he will respect and which he will flout and refuse to enforce. If this claimed power exists, then indeed the Congress and the people of the United States are at the mercy of an all-powerful President. Plainly, in a government of laws and not of men, the President cannot set himself above the law. The Washington Post and Times-Herald in an editorial on July 28, 1959 succinctly and clearly summarized the issue. Let me read it:

EXECUTIVE PREROGATIVE

President Eisenhower was badly advised in his statement putting his own construction on the meaning of the Hardy amendment to the Mutual Security Act. Congress is as well

aware as the President that legislation cannot alter the constitutional duties of the Executive with respect to the disclosure of information, documents and other materials, and it is hardly in need of a lecture on the subject. It also is aware, however, that the Executive cannot alter the constitutional duties of Congress.

The information amendment states that upon request: All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof.

The language is similar to that in the act creating the General Accounting Office. It seems to be an appropriate exercise of the right of the legislative branch to make sure that the purposes of the legislature are carried out and that the money is wisely and honestly disbursed. Some of the information so far made available to Congress certainly justifies anxiety with reference to the handling of these moneys. Those entirely sympathetic with the objectives of the program have been rightly distressed at evidences of laxity and maladministration.

These are not matters about which Congress can be wholly indifferent, trusting blindly and implicitly in the good faith and performance of executive departments. If there is a nonreviewable, nonjusticiable power in the Executive to refuse all information it wishes to withhold, Congress might as well shut up shop.

Just where the line can be drawn has always been a matter of some political pulling and hauling. The courts never have ruled on the matter. Whatever the precise meaning of the Constitution, and whatever the exact rights of the Executive, the early Presidents, while often arguing the existence of an executive privilege, generally gave Congress what it sought. Although President Washington was unhappy at the way in which the House sought papers on the tragic St. Clair expedition, he sent up all the matter at hand as Douglas Freeman notes:

"Washington had learned long previously the protective value of candor in dealing with the American people and he knew that one reason for their trust in him was their belief he would tell them the whole truth."

The wisest Presidents have imitated such candor, particularly in dealing with situations in which irregularities were feared.

Let me illustrate what this broad claim of power means in terms of administration. The Inspector General of the Air Force has denied to the Comptroller General, the agent of Congress, access to a survey of the management of the ballistic missile program. The Comptroller General is entitled to this information under the terms of the Budget and Accounting Act of 1921—just as he and the Congress are entitled to all information under the new Mutual Security Act of 1959.

The Inspector General testified before the House Government Information Subcommittee recently that no one in the executive branch reviews the work of his establishment, and neither the Comptroller General nor the Congress can carry out such a review if the reports which are the end product are not made available. This agency hidden from the Congress and from the auditors of Congress in the General Accounting Office spent more than \$24 million during fiscal year 1959 and nearly \$23 million during fiscal year 1958. A letter

from the Air Force setting forth these facts was received July 15, 1959, by the House Government Information Subcommittee. This is but one agency in the Defense Department with huge expenditures kept from the scrutiny of Congress. The Army and the Navy carry on comparable expensive functions. The mutual security program is evaluated similarly, but the Congress and its auditors are not given access to that evaluation work, even when the President signs a law making the information available. It cannot be that Congress is powerless to ascertain whether these vast sums are efficiently employed. How can Congress make appropriations without such information?

Let me remind the President and my fellow Members that, as the Supreme Court stated in 1957:

The power of the Congress to conduct investigations is inherent in the legislative processes * * *. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency, or waste (*Watkins v. United States*, 354, U.S. 178, 187 (1957)).

Under that power, the Congress investigated the malodorous regime of Attorney General Daugherty; and the Supreme Court, in *McGrain v. Daugherty*, 273 U.S. 135, affirmed the right of Congress to require information from the brother of the Attorney General, Mal Daugherty. To conclude that inquiry can be blocked on the ground of "executive privilege" when Congress seeks the root of a governmental evil is to abort the recognized congressional power to investigate the executive departments for the purpose of legislation or appropriation.

Against this combination of recognized congressional power and the necessity of obtaining information if Congress is intelligently to legislate and appropriate, stands the claim of "executive privilege." Even the Attorney General has admitted that no court case has determined that such a privilege exists. Not a word about it is to be found in the Constitution.

There is not and cannot be an "executive privilege" to pick and choose among the statutes to be enforced. One and all they are "the supreme law of the land" and the President cannot decide which law is binding and which he may flout. Respect for law must start with the President if his exhortations to others to obey the law are to command respect.

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from New York.

Mr. SANTANGELO. Mr. Chairman, I support the mutual security appropriation bill, H.R. 8385, which grants new appropriations of \$3,209,782,000 and reduces the President's budget request by \$1,226,495,000 plus \$356,418,000 from the authorization bill. These cuts, in my opinion, eliminate the fat and the waste without affecting the muscle and sinews. In any event, the entire amount requested by the President was not en-